



PATENT  
Attorney Docket No.: JHU1170-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lee et al.  
Serial No.: 09/813,459  
Filed: March 20, 2001  
Title: GROWTH DIFFERENTIATION FACTOR-10

Art Unit: 1647  
Examiner D.S. Romeo  
Conf. No. 8326

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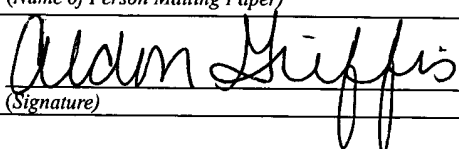
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO SPECIES ELECTION REQUIREMENT**

Sir:

Responsive to the Communication mailed June 27, 2003, in connection with the above-identified patent application, reconsideration of the application in view of the following remarks is respectfully requested.

It is stated in the Communication that the paper filed April 21, 2003, was not fully responsive, in that a species of antibody selected from "polyclonal antibodies" and "monoclonal antibodies", detectable label and antibody fragment was not elected. Although Applicants traverse the rejection for the reasons set forth below, the species set forth as "polyclonal antibodies", "enzyme" and "Fab", respectively, are provisionally elected in order to be fully responsive to the Communication.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>September 10, 2003</b> , in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Aldon Griffis (Name of Person Mailing Paper)	
 (Signature)	<b>September 10, 2003</b> (Date)

The species election with respect to polyclonal and monoclonal antibodies is traversed because there does not appear to be any basis provided for dividing the antibodies into species, particularly since "polyclonal antibodies" merely comprise a population of different "monoclonal antibodies", and there does not appear to be any need for different searches to be performed. Further, polyclonal antibodies and monoclonal antibodies share a "commonality of operation, function and effect" (see MPEP § 806.04(e)) with respect to the claimed invention in that they each specifically binds to a GDF-10 polypeptide. As such, it is submitted that the requirement to elect a species of antibody selected from polyclonal antibodies and monoclonal antibodies is improper and, therefore, respectfully requested that this requirement be removed.

The species election with respect to the detectable label in claim 11 and claim 16 is traversed since all of the labels listed share a "commonality of operation, function and effect" (see MPEP § 806.04(e)) with respect to the claimed invention. Each of the labels recited in the claims provides a means for measurable detection of binding of an antigen binding molecule (e.g., antibody, Fab) to GDF-10 polypeptide as set forth in SEQ ID NO:5. As such, it is submitted that the requirement to elect a species of label is improper and, therefore, respectfully requested that this requirement be removed.

The species election with respect to the antibody fragment in claims 12 and 13 is traversed since both of these species are antigen binding molecules with binding specificity for GDF-10 polypeptide of SEQ ID NO:5 and therefore share a "commonality of operation, function and effect" (see MPEP § 806.04(e)) with respect to the claimed invention. Each of these antigen binding fragments, as well as an intact antibody, as claimed, bind to GDF-10 polypeptide as set forth in SEQ ID NO:5. As such, it is submitted that the requirement to elect a species of antibody fragment is improper and, therefore, respectfully requested that this requirement be removed.

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Applicant retains the right to request that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species that were not elected due for examination purposes.

It is submitted that the claims are in condition for allowance and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: September 10, 2003



Lisa A. Haile, J.D., Ph.D.

Reg. No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

**USPTO Customer Number 28213**  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133